

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN C. DEMATOS, et al)	
<i>Plaintiffs</i>)	
)	
Vs.)	CIVIL ACTION NO.: 05-10372
)	
MARSHALL S. HAZARD, et al)	
<i>Defendants</i>)	
)	

**MOTION TO CONTINUE THE ALTERNATIVE DISPUTE
RESOLUTION HEARING
(ASSENTED TO)**

The defendant, Marshall S. Hazard, et al, with the assent of the plaintiff, John C. DeMatos et al, hereby respectfully request that this Honorable Court continue the alternative dispute resolution hearing until December 30, 2005. The alternative dispute resolution hearing is currently scheduled for November 30, 2005, before the Honorable Magistrate Judge Charles B. Swartwood.

The alternative dispute resolution hearing was originally scheduled for October 11, 2005, however, both parties wished to continue the hearing in order to have the plaintiffs undergo independent medical examinations. Given the fact that the plaintiffs' damages remain an issue, both parties felt it necessary to have the examinations completed prior to the hearing in order to be prepared to undergo settlement negotiations.

The defendant was unable to schedule the examinations in November. The plaintiff, John DeMatos, is scheduled to undergo an independent medical examination on December 8, 2005. The plaintiff, Kellie Arruda, is scheduled to undergo an independent medical examination on December 12, 2005.

The additional time requested will allow the parties enough time to obtain the aforementioned reports and make an assessment of the alleged damages prior to the requested continued hearing date.

Accordingly, the defendant, Marshall S. Hazard et al, with the assent of the plaintiff, John C. DeMatos et al, request that this Honorable Court continue the alternative dispute resolution hearing until December 30, 2005.

By Their Attorneys,

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